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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,544	06/09/2005	Yoshihide Hayashizaki	035576/285978	9999

826 .7590 04/12/2007

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER
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BERTAGNA, ANGELA MARIE

ART UNIT	PAPER NUMBER
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1637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	04/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

***Notice To Comply with Sequence Requirements***

Applicant's response, filed on February 7, 2007, to the previous Office Action, mailed on October 4, 2006, is acknowledged. However, the reply is not fully responsive, because the computer readable form (CRF) of the Sequence Listing is defective (see attached error report).

Applicants are, therefore, requested to resubmit a substitute CRF to the appropriate address for sequences and CRFs as provided on the USPTO website.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Bertagna whose telephone number (571) 272-8291. The examiner can normally be reached on M-F, 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela Bertagna  
Examiner, Art Unit 1637  
April 1, 2007  
amb

  
**JEFFREY FREDMAN  
PRIMARY EXAMINER**

4/6/07

Attachments: Raw Sequence Error Report, Notice to Comply

<b>Notice to Comply</b>	<b>Application No.</b> 10/517,544	<b>Applicant(s)</b> Hayashizaki et al.	
	<b>Examiner</b> Angela Bertagna	<b>Art Unit</b> 1637	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other:

**Applicant Must Provide:**

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923  
 For CRF Submission Help, call (703) 308-4212 or 308-2923  
 PatentIn Software Program Support  
     Technical Assistance.....703-287-0200  
     To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

**STIC Biotechnology Systems Branch**

**RAW SEQUENCE LISTING**  
**ERROR REPORT**

EFS

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/517,544A  
Source: 1Fw16  
Date Processed by STIC: 2/7/07

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

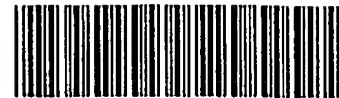
Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFW16

## RAW SEQUENCE LISTING

DATE: 02/07/2007

PATENT APPLICATION: US/10/517,544A

TIME: 11:41:01

Input Set : N:\efs\02\_07\_07

\10517544a\_efs\285978SubstituteSequenceListing.txt

Output Set: N:\CRF4\02072007\J517544A.raw

3 <110> APPLICANT: RIKEN  
 4 KABUSHIKI KAISHA DNAFORM  
 6 <120> TITLE OF INVENTION: Method for utilizing the 5'end of mRNA for cloning and analysis  
 8 <130> FILE REFERENCE: 1336(PCT) [035576/285978]  
 C--> 10 <140> CURRENT APPLICATION NUMBER: US/10/517,544A  
 C--> 10 <141> CURRENT FILING DATE: 2005-06-09  
 10 <150> PRIOR APPLICATION NUMBER: JP 2002-171851  
 11 <151> PRIOR FILING DATE: 2002-06-12  
 13 <150> PRIOR APPLICATION NUMBER: JP 2002-235294  
 14 <151> PRIOR FILING DATE: 2002-08-12  
 16 <160> NUMBER OF SEQ ID NOS: 119  
 18 <170> SOFTWARE: PatentIn version 3.1

*see pp 1-4*  
 Does Not Comply  
 Corrected Diskette Needed

## ERRORED SEQUENCES

1901 <210> SEQ ID NO: 119  
 1902 <211> LENGTH: 68  
 1903 <212> TYPE: DNA  
 1904 <213> ORGANISM: Artificial Sequence  
 1906 <220> FEATURE:  
 1907 <223> OTHER INFORMATION: DNA fragment for concatemer production  
 W--> 1909 <221> NAME/KEY: misc\_feature *← see p.2 for explanation*  
 1910 <222> LOCATION: (1)...(68)  
 1911 <223> OTHER INFORMATION: n = any nucleotide  
 W--> 1913 <400> 119  
 W--> 1914 ctttaagnnnn nnnnnnnnnn nnnnncaacc tggatccagg ttgnnnnnnn nnnnnnnnnn 60  
 1915 nnccttaag 68  
 E--> 1916 35  
 E--> 1919 34  
 E--> 1925 3 *delete*

RAW SEQUENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/517,544A

DATE: 02/07/2007  
TIME: 11:41:02

Input Set : N:\efs\02\_07\_07  
\10517544a\_efs\285978SubstituteSequenceListing.txt  
Output Set: N:\CRF4\02072007\J517544A.raw

Invalid <213> Response:

Use of "Artificial" only as "<213> Organism" response is incomplete,  
per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

Seq#:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27  
Seq#:29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52  
Seq#:53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75

Use of <220> Feature(NEW RULES):

Sequence(s) are missing the <220> Feature and associated headings.  
Use of <220> to <223> is MANDATORY if <213> ORGANISM is "Artificial Sequence"  
or "Unknown". Please explain source of genetic material in <220> to <223>  
section (See "Federal Register," 6/01/98, Vol. 63, No. 104, pp.29631-32)  
(Sec.1.823 of new Rules)

Seq#:78,80,87,88,89,90,94,96,98,100,102,103,104,105,106,107,108,109,110,111  
Seq#:112,113,114,115,116,117,118,119

see p. 3 for sample

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<210> 119  
<211> 68  
<212> DNA  
<213> Artificial Sequence

One Feature Section  
<220>  
<223> DNA fragment for concatemer production

<221> misc\_feature  
<222> (1)...(68)  
<223> n = any nucleotide

additional Feature Section  
<400> 119

cttaagnnnn nnnnnnnnnn nnnnncaacc tggatccagg ttgnnnnnnn nnnnnnnnnn 60  
nncttaag 68

Insert a <2207 before the additional "Feature" section

This type of error appears in many sequences. See p. 2 for the sequence ID numbers.

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4

<210> 80

<211> 13

<212> DNA

<213> artificial

Artificial Sequence

← insert <2207

<400> 80

cctaggtccg acg

<2237> ← explanation

(see p. 2)

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VERIFICATION SUMMARY  
PATENT APPLICATION: US/10/517,544A

DATE: 02/07/2007  
TIME: 11:41:02

Input Set : N:\efs\02\_07\_07  
\10517544a\_efs\285978SubstituteSequenceListing.txt  
Output Set: N:\CRF4\02072007\J517544A.raw

L:10 M:270 C: Current Application Number differs, Replaced Current Application No  
L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:42 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:60  
L:60 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:0  
L:78 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:0  
L:132 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7 after pos.:0  
L:180 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:10 after pos.:0  
L:198 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11 after pos.:0  
L:216 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12 after pos.:0  
L:252 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14 after pos.:0  
L:276 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15 after pos.:0  
L:312 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17 after pos.:0  
L:342 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19 after pos.:0  
L:360 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20 after pos.:0  
L:478 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:28 after pos.:420  
L:498 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:29 after pos.:0  
L:522 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:30 after pos.:0  
L:1044 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:73 after pos.:0  
L:1081 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:76,Line#:1079  
L:1254 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1259 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:78  
L:1260 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:78 after pos.:0  
M:341 Repeated in SeqNo=78  
L:1286 M:220 C: Keyword misspelled or invalid format, <213> ORGANISM for SEQ ID#:80  
L:1289 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ#:80, <213>  
ORGANISM:Artificial Sequence  
L:1289 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ#:80, <213>  
ORGANISM:Artificial Sequence  
L:1289 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:80,Line#:1289  
L:1373 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1377 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:87  
L:1378 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:87 after pos.:0  
M:341 Repeated in SeqNo=87  
L:1398 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1402 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:88  
L:1403 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:88 after pos.:0  
M:341 Repeated in SeqNo=88  
L:1423 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1427 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:89  
L:1428 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:89 after pos.:0  
M:341 Repeated in SeqNo=89  
L:1448 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1452 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:90  
L:1453 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:90 after pos.:0  
M:341 Repeated in SeqNo=90  
L:1510 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1514 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:94  
L:1515 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:94 after pos.:0  
L:1538 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1542 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:96

## VERIFICATION SUMMARY

DATE: 02/07/2007

PATENT APPLICATION: US/10/517,544A

TIME: 11:41:02

Input Set : N:\efs\02\_07\_07

\10517544a\_efs\285978SubstituteSequenceListing.txt

Output Set: N:\CRF4\02072007\J517544A.raw

L:1543 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:96 after pos.:0  
L:1566 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1570 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:98  
L:1571 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:98 after pos.:0  
L:1594 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1598 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:100  
L:1599 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:100 after pos.:0  
L:1622 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1626 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:102  
L:1627 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:102 after pos.:0  
L:1639 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1643 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:103  
L:1644 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103 after pos.:0  
L:1656 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1660 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:104  
L:1661 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:104 after pos.:0  
L:1673 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1677 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:105  
L:1678 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:105 after pos.:0  
L:1690 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1694 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:106  
L:1695 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:106 after pos.:0  
L:1707 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1711 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:107  
L:1712 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:107 after pos.:0  
L:1724 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1728 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:108  
L:1729 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:108 after pos.:0  
L:1741 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1745 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:109  
L:1746 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:109 after pos.:0  
L:1758 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1762 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:110  
L:1763 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:110 after pos.:0  
M:341 Repeated in SeqNo=110  
L:1775 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1779 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:111  
L:1780 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:111 after pos.:0  
M:341 Repeated in SeqNo=111  
L:1792 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1796 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:112  
L:1797 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:112 after pos.:0  
L:1809 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1813 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:113  
L:1814 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113 after pos.:0  
L:1826 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1830 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:114  
L:1831 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:114 after pos.:0  
L:1842 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!

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VERIFICATION SUMMARY

PATENT APPLICATION: US/10/517,544A

DATE: 02/07/2007

TIME: 11:41:02

Input Set : N:\efs\02\_07\_07

\10517544a\_efs\285978SubstituteSequenceListing.txt

Output Set: N:\CRF4\02072007\J517544A.raw

L:1846 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:115  
L:1847 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:115 after pos.:0  
L:1858 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1862 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:116  
L:1863 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:116 after pos.:0  
L:1875 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1879 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:117  
L:1880 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:117 after pos.:0  
L:1892 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1896 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:118  
L:1897 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:118 after pos.:0  
M:341 Repeated in SeqNo=118  
L:1909 M:281 W: Numeric Fields not Ordered, <221> Sort in ascending order!  
L:1913 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:119  
L:1916 M:254 E: No. of Bases conflict, this line has no nucleotides.  
M:254 Repeated in SeqNo=119